

REMARKS

In response to the restriction requirement, claims 1-13, 34, and 35-45 are now pending and claims 14-33 and 46-60 cancelled/withdrawn. Only claim 34 has been amended by the current amendment.

Claim Rejections 35 USC §102

Claims 1, 34 and 35 stand rejected under 35 USC §102 (b) as being anticipated by Burton 5,141,509.

Independent Claim 1

With respect to claim 1, the office action indicates that the claimed element of a first flow valve is met by the element 14, specifically the inclined section between 16 and 18, of Burton while the claimed element of the moveable bar is met by 16, 18. Applicant respectfully traverses this interpretation of Burton. It is generally understood in the art that a poppet flow valve incorporates certain components, specifically, a poppet valve is a valve consisting of a hole, usually round or oval, and a tapered plug on the end of a shaft also called a valve stem. The valve is combination of the elements (hole, plug, shaft), a valve is not simply the plug (the inclined section between 16 and 18) as suggested by the office action. Burton itself, at col. 4, lines 39-40, supports this interpretation where it indicates that the check valve 14 is comprised of stem 16 and poppet 18. As such, Burton does show a first flow valve 14 but it *does not* show the claimed element of a bar. If elements 16 and 18 were deemed to be claimed element of a bar, then Burton would no longer have a valve 14.

Further, applicant's claim 1 states that the bar moves between a first and second position, and that when moving to a second position the bar moves the flow valve from a seated to unseated position. Fig. 3 of Burton shows valve 14 in its unseated position, which is achieved not through movement of a bar but through the squeezing of deformable surfaces 42 and 44, see also description at col. 5, lines 11-19. Burton does not provide the suggestion or teaching of a bar and neither do the other cited prior art references.

In view of the above, applicant respectfully submits that a *prima facie* case of anticipation has not been made and request that the rejection of claim 1, and its dependent claims 2-13, under 35 USC § 102(b) be withdrawn and the claims allowed.

Independent Claim 34

With respect to claim 34, it has been amended to overcome the rejection under 35 USC § 102(b). Specifically it has been amended to recite that the valve block includes a periphery of opposing surfaces and that compression of any of said opposing surfaces results in the deflation of the inflatable prosthesis. Applicant respectfully submits that the newly recited features are not found, taught or suggested in any of the prior art and requests that the rejection be withdrawn.

Independent Claim 35

The arguments presented above with respect to independent claim 1 are equally applicable with respect to claim 35. Notably, the Burton reference does not disclose a bar. In the rejection of claim 35, different from the rejection of claim 1, it is noted within the office action that the claimed element of a bar is met by the Burton element of a spring 22. Applicant

is unsure of how a bar (Def.:1. a relatively long, evenly shaped piece of some solid substance, as metal or wood, used as a guard or obstruction for from some mechanical purpose; 2. an oblong piece of any solid material; 3. etc. *Dictionary.com Unabridged* (v 1.1). Random House, Inc. 26 Mar. 2008.) can be a spring (Def. an elastic contrivance or body, as a strip or wire of steel coiled spirally, that recovers its shape after being compressed, bent, or stretched, *Dictionary.com Unabridged* (v 1.1). Random House, Inc. 26 Mar. 2008) and asks the Examiner to explain this reasoning if the Examiner does not agree with the above.

In view of the above, applicant respectfully submits that a *prima facie* case of anticipation has not been made and request that the rejection of claim35, and its dependent claims 36-45, under 35 USC § 102(b) be withdrawn and the claims allowed.

Claim Rejections 35 USC § 103

All 35 USC §103 rejections within the office action were rejections of dependent claims. In view of the arguments submitted above with respect to the independent claims, applicant submits that all dependent claims are neither anticipated or obviated by the cited references. As such, applicant requests that the rejection of the dependent claims pending within the application be withdrawn.

Conclusion

In view of the foregoing, it is submitted that this application is in condition for allowance. Favorable consideration and prompt allowance of the application are respectfully requested. The Examiner is invited to telephone the undersigned if the Examiner believes it would be useful to advance prosecution.

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Respectfully submitted,

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